

Judge Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KARIM ABDULLAH ASSALAAM,
ATTAWWAAB MUHAMMAD FARD,
ALI MUHAMMAD BROWN, and
HERBERT CHANDLER SANFORD,

Defendants.

NO. CR04-521C

JOINT MOTION TO CONTINUE
TRIAL DATE AND EXTEND THE
TIME FOR PRETRIAL MOTIONS

The United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Carl Blackstone, Assistant United States Attorney for said District, and defendant Karim Abdullah Assalaam, by and through his counsel, Peter Mazone, hereby jointly move the Court, pursuant to 18 U.S.C. § 3161(h)(8), for an Order continuing the trial date from February 7, 2005, until at least March 14, 2005, and excluding the period from February 7, 2005, until March 14, 2005, for the purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174¹. The parties also request that the Court

¹ Defendant Brown through his counsel has indicated that he opposes any continuance of the trial date. The Government anticipates that the other two defendants may join in the continuance motion. Defendant Sanford's attorney, Catherine Chaney, has recently withdrawn and as a result, new counsel will be appointed. The Government assumes that new counsel will not be prepared to go to trial on the currently scheduled trial date. Additionally, defendant Fard is considering whether to agree to the proposed continuance.

1 extend the deadline for filing all pretrial motions until January 31, 2005, with responses
2 due fourteen days thereafter. In support of this motion, the parties recite the following:

3 On December 2, 2004, the Grand Jury returned a nine-count Indictment against
4 the four defendants. Count one charges each defendant with conspiracy to commit
5 bank fraud in violation of 18 U.S.C. § 371. Defendants Assalaam and Fard are
6 charged in Counts two through nine of the Indictment with bank fraud in violation of
7 18 U.S.C. § 1344. Defendant Sanderson is charged in Counts five through nine with
8 bank fraud and defendant Brown is charged in Counts six through nine with bank fraud.
9 Defendant Assalaam was arraigned on December 2, 2004, and he has been detained
10 pending trial. Defendants Fard, Brown and Sanford were arraigned on December 8,
11 2004, and they have all been ordered detained pending trial. Trial in this matter is
12 scheduled for February 7, 2005, and pretrial motions are due December 30, 2004.

13 The United States and defendant Assalaam agree that this matter presents a trial
14 of relative legal and factual complexity. The Indictment alleges a widespread scheme
15 to defraud financial institutions spanning almost three years. The Government
16 anticipates seeking a superseding indictment which will allege a loss in excess of
17 \$500,000 resulting from this scheme. There are also a number of witnesses who will
18 testify at trial.

19 Additionally, the discovery in this case is voluminous. During the course of the
20 investigation, the United States has obtained a large volume of bank records and other
21 pertinent documents. There are also a significant number of recorded conversations,
22 some of which are span several hours. Additionally, as a result of several search
23 warrants, the United States has obtained several computers and large number of
24 documents. To date the Government has already produced in excess of 1500 pages of
25 discovery. The defendants are still in the process of reviewing the remaining discovery
26 and the Government anticipates that the defendants will request copies of some or all of
27 this discovery.
28

1 The United States and defendant Assalaam therefore agree that it would be
 2 unreasonable to expect adequate preparation for trial without a continuance, even with
 3 diligent and good faith efforts by counsel to prepare for trial, because of the complexity
 4 of the case, the volume of discovery, and the large number of witnesses, and further
 5 agree that a continuance of the trial date un
 6 til at least March 14, 2005, would allow for effective preparation for trial. The parties
 7 also request that the Court extend the deadline for filing pretrial motions until
 8 January 31, 2005, with responses due fourteen days thereafter.

9 The defendants further agree that they will execute an effective waiver of their
 10 rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174,
 11 which shall include the agreement that the period from February 7, 2005 until
 12 March 14, 2005, shall be an excludable period of time pursuant to 18 U.S.C.
 13 § 3161(h)(8)(A).

14 DATED this 27th day of December, 2004.

15 Respectfully submitted,

16 JOHN McKAY
 17 United States Attorney

18 s/ Carl Blackstone
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24 s/ Peter Mazzone
 25 PETER MAZZONE
 26 Attorney for Defendant
 27 Karim Abdullah Assalaam
 28

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2004, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant. I hereby certify that I have served the attorney of record for the defendant that are non CM/ECF participants via telefax.

s/ Cheryl E. Walkden

CHERYL E. WALKDEN

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